

**REMARKS**

Claims 1-32 were rejected under 35 USC § 103(a) as being unpatentable over Chene in view of Carr. The present invention is a method and system for calculating a return on investment (ROI) benefit of implementing an improvement to a system. The information used for the calculation is a comparison of the actual performance data with the predicted or estimated performance for the benefit. These steps can be performed a number of times or over a period of time to further refine the overall benefit. To further show these unique features independent claims 1, 13, 22, and 31 have been amended to include a predetermined period of time for obtaining the actual performance data. Thus, the system is constantly feeding the actual performance data to calculate the benefit. Chene was cited for the obtaining of sensor and operator entered data for performance data. This patent discloses a method for obtaining data from a vehicle and sending the data to a remote location for determining if the vehicle needs service or maintenance. Chene does not disclose or imply using the data to calculate an ROI. Carr describes a system for auditing the energy-usage by a facility. Carr takes audited information obtained prior to the introduction of the improvement and compares it with the predicted performance data to form a model. All of the calculations occur prior to the introduction of the improvement. Carr does not disclose or imply using or measuring actual performance data after the improvement is installed. As previously stated, the presently claimed invention compares the actual measured information with predicted performance information. Carr at column 32, line 37 through column 33, line 7 provides proof of these assertions. At column 32, lines 37-39, Carr states "preparing information on the ROI and savings from performing any recommended actions". Further, at column 32, lines 61-63 Carr states "list of the recommended actions to be performed and an estimate of the ROI by taking the actions". Both of the above statements talk about looking at a baseline energy usage, making a recommendation, and calculating the savings based on the energy company making the recommended changes. Carr does discuss changing the model, at column 16, lines 33-43 by creating a baseline, then changing the operational model after each tune up to get a different outcome and new baseline. However, it does not discuss or imply using actual measured data over a period of time. It does

not calculate the actual ROI after the changes were made as is specifically claimed in the present patent application.

In the present invention, as claimed, the system has a baseline entered from the backend (management team) and then the data taken from the truck and operator is compared to this baseline. So, it is the actual ROI gained. The claimed invention is not based on any estimates of what management recommends or does for measuring the ROI as is disclosed by Carr. The claimed invention is a measure of what the vehicles are actually doing today based on changes made in the past. Thus, the claims are allowable.

#### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Dated: December 18, 2007

Respectfully submitted,

By: 

Richard A. Bachand  
Reg. No. 25,107

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-4125  
Facsimile: (858) 658-2502